

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:

NORMAN R TORRES TORRES  
SYLVIA E MELENDEZ OTERO

DEBTOR(S)

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CASE NO. 09-09795 ESL

CHAPTER 13

**"TRUSTEE'S MOTION TO DISMISS"**

**TO THE HONORABLE COURT:**

**COMES NOW**, Alejandro Oliveras Rivera, Chapter 13 Trustee and very respectfully states and prays:

1. On June 21, 2013, the Trustee filed a Motion to Modify plan dated 09-19-2010 because it is insufficiently funded to pay secured claims. (docket #77)
2. On July 17, 2013, an Order Granting Motion to Modify as Unopposed was entered by the court (docket #78).
3. As of today, no answer or modification has been filed by debtor with the Court.
4. Debtor(s) is (are) not member(s) of the U.S. Armed Forces, the Coast Guard, the Public Health Service or the National Oceanic and Atmospheric Administration, as evidenced by the Certificate issued by the U.S. Department of Defense, copy of which is attached only to the original of this motion and movant's copy.
5. The Trustee hereby requests the dismissal of this case.

**WHEREFORE**, it is respectfully requested from the Court to dismiss this case.

**RESPECTFULLY SUBMITTED.**

**NOTICE:** Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party in interest whom this objection has been served, or any other party to the action who objects the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you file a timely response, the Court may - in its discretion - schedule a hearing. Fed. R. Bankr. P. 9013-1(H)(2); 9014.

**CERTIFICATE OF SERVICE:** I hereby certify that on this date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that the foregoing has been served to U.S. Trustee at [ustpreion21.hr.ecf@usdoj.gov](mailto:ustpreion21.hr.ecf@usdoj.gov) and by depositing true and correct copies thereof in the United States Mail, postage prepaid, to the non ECF/CM participants: debtor(s), creditors and parties in interest that have filed notices of appearance, included in the service list attached to the original hereof.

In San Juan, Puerto Rico, this October 02, 2013.

**S/ALEJANDRO OLIVERAS RIVERA**

Chapter 13 Trustee

PO Box 9024062

San Juan, PR 00902-4062

Tel. (787) 977-3500 / Fax (787) 977-3521

Department of Defense Manpower Data Center

SCRA 3.0



## Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: TORRES TORRESFirst Name: NORMAN

Middle Name:

Active Duty Status As Of: Oct-02-2013

| On Active Duty On Active Duty Status Date   |                      |        |                   |
|---|----------------------|--------|-------------------|
| Active Duty Start Date  | Active Duty End Date | Status | Service Component |
| NA  | NA                   | No     | NA                |
| This response reflects the individuals' active duty status based on the Active Duty Status Date |                      |        |                   |

| Left Active Duty Within 367 Days of Active Duty Status Date   |                      |        |                   |
|---|----------------------|--------|-------------------|
| Active Duty Start Date  | Active Duty End Date | Status | Service Component |
| NA  | NA                   | No     | NA                |
| This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date |                      |        |                   |

| The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date                   |                             |        |                   |
|---|-----------------------------|--------|-------------------|
| Order Notification Start Date   | Order Notification End Date | Status | Service Component |
| NA  | NA                          | No     | NA                |
| This response reflects whether the individual or his/her unit has received early notification to report for active duty |                             |        |                   |

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

### More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

### Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: X4K8CD8CX0C3VC0

Department of Defense Manpower Data Center

SCRA 3.0



## Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: MELENDEZ OTEROFirst Name: SYLVIA

Middle Name:

Active Duty Status As Of: Oct-02-2013

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*Mary M. Snavelly-Dixon*

Mary M. Snavelly-Dixon, Director  
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Certificate ID: 24A9KD3CZ0C3A80

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail or electronically sent to the parties listed below:

JUAN O CALDERON LITHGOW\*  
PO BOX 1710  
VEGA BAJA, PR 00694 -1710

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C/O FRANCISCO J PORTUONDO DIAZ  
PO BOX 3671397  
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GE MONEY BANK  
C/O RECOVERY MANAGEMENT SYSTEMS INC  
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NORMAN RAFAEL TORRES TORRES and SYLVIA ELENA MELENDEZ OTERC  
RIO ABAJO LATROCHA  
191-B CALLE ALAMO  
VEGA BAJA, PR 00693

DATED: October 02, 2013

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S/WALTER LUGO  
OFFICE OF THE CHAPTER 13 TRUSTEE